

TYRONE TOWNSHIP PLANNING COMMISSION

Approved Regular Meeting Minutes

February 26, 2008 7:00 p. m.

PRESENT: Gary Butler, Bob Byerly, Dave Hanoute, Ed Kempisty, Mark Meisel, Laurie Radcliffe

ABSENT: Joe Fumich

CALL TO ORDER: 7:00 p.m. by Chairman Hanoute

PLEDGE OF ALLEGIANCE:

CALL TO THE PUBLIC: No response

APPROVAL OF THE AGENDA:

Mr. Hanoute recommended suspension of Robert's Rules in order to address New Business requests before Old Business and to consider topics for inclusion in the joint meeting agenda under Other Business from Members (1).

Moved by Meisel, seconded by Radcliffe to suspend the rules and approve the Agenda as modified. The motion carried by unanimous voice vote.

APPROVAL OF THE MINUTES:

1) February 12, 2008 - Work Session Minutes

Moved by Butler, seconded by Kempisty, to approve the February 12, 2008 Work Session Minutes as corrected. Ayes: Butler, Hanoute, Kempisty, Byerly, Meisel. Abstention: Radcliffe

Page 2, Line 13: (...planned to **eventually** live in the house.)

Page 2, Line 31: (The large natural buffer around **the** edges...)

Page 2, Line 36: (Mr. Levigne said their plan **is** to bring...)

Page 2, Line 42: (...which would allow **contractors'** yards...)

Page 5, Line 1: (...commented that **the** some of the information came **from** form Fenton Township...)

Page 5, Line 18: (money **the** Township...)

Page 5, Line 28: (...retaining the 1,000 foot **maximum** minimum)

Page 5, Line 40: (...and private roads **to** a maximum of...)

Page 7, Line 44: (...the Planning Commission **has been inconsistent** hasn't gotten any of that publication

CORRESPONDENCE:

- 1) February 20, 2007 - Township of Holly Michigan notice of Intent to Plan

The notice was received and placed on file.

SUBCOMMITTEE REPORT:

NEW BUSINESS:

- 1) Land division request of **Robert and Rhonda Coates** to divide property at 9555 Tipsico Lake Road (FR parcel 13-200-008) to create proposed Parcel A, approximately 40 acres of vacant land and proposed Parcel B, approximately 10 acres (848 by 514 ft m/l). The residence is located on Parcel B.

Mr. Hanoute noted that the plan did not show open space calculations based on the new configuration. The plan doesn't provide the dimensions of the existing structure, the building envelope setbacks, dimensions for the new parcels, and an open space calculation chart.

Mr. Coates said the driveways were approved before the house was built. Driveway "A" was put in first. Driveway "B" was put in after the house was finished. Mr. Hanoute explained that since the driveways were already existing, they weren't a consideration at this time. Ms. Radcliffe reminded Mr. Coates that only 25% of the Parcel B open space could be located in a wetland. The amount shown on the current site drawing would exceed the limit.

Mr. Hanoute said that after the plans were revised, they should be reviewed by the Zoning Administrator before they were forwarded to the Board for approval or the plan could be faxed to him for review. Mr. Milliken commented that the amount of open space allocated to the 10 acre parcel and the 40 acre parcel would affect the net areas of the parcels, so those calculations would have to be reviewed.

Moved by Kempisty, seconded by Butler, to recommend to the Township Board approval of Robert and Rhonda Coates land division request for property at 9555 Tipsico Lake Road, FR parcel 13-200-008, to create 2 parcels conditional upon receipt of a survey showing the dimensions of each parcel, the net and gross area of each parcel, the building envelope and setback distances for each parcel, the size and location of the building on proposed Parcel A, an open space calculation chart for the new parcels, and legal descriptions and open space maintenance agreements for each parcel following review by the Zoning Administrator. Motion carried by unanimous voice vote.

Restating the motion, Mr. Meisel said that the Planning Commission had agreed to an approval for two parcel splits from a 50 acre parcel—one of approximately 40 acres gross, the other approximately 10 acres gross which may vary as the result of open space

location. We also agreed to have dimensions for the structures and yards, open space charts and calculations, yard setbacks for the existing house, and review by the Zoning Administrator prior to submission to the Board.

- 2) Home Occupation request of **Glenn Byerly**. Mr. Byerly would like to repair fire arms in his residence located at 8191 Linden Road, RE parcel 19-200-008. In order to receive and return guns, a Federal Fire Arms License to buy and sell fire arms will be required.

In response to comments and questions from the Planning Commission, Mr. Byerly explained that the license was required because he would have guns not owned by him in his possession for more than 24 hours. Test firing of the guns would be done at nearby gun ranges. In the future, there is a good possibility that some gun sales will be made. He also could purchase fire arms from the internet, make repairs, and resell them. Right now he is just interested in gun repair. He gets his clients by word of mouth.

Federal regulations require that all fire arms have to be locked up when not being worked on. He stores a limited amount of gun powder for reloading his own ammunition. He doesn't use or store black powder and has no plans to apply for a license to manufacture gun powder.

Mr. Hanoute was concerned about using his personal name and address for internet advertising as it could disrupt his neighborhood. He would be reluctant to approve the request if Mr. Byerly's home is advertised as a sales or distribution outlet. His concern wasn't repair, it was the dealers license and the potential for break-ins. Mr. Byerly said that the US Government requires that guns have to be repaired or purchased through a licensed dealer.

Mr. Meisel asked if the web site would be put up under his name or the name of a business and if he would need to put up internet advertising using his name or address. Mr. Byerly replied that there were two internet gun sites similar to E-bay. When an item is purchased on line, the gun has to be purchased from a registered fire arms license holder and if he wants to purchase a gun, he has to purchase it from a dealer. Personal information would not be forwarded until the gun was actually purchased. Mr. Hanoute said he wasn't concerned about a phone number or a name, but he was concerned about an address on the internet.

Mr. Byerly said that his auction web site would be restricted to his cell phone number. Guns would be shipped to purchasers and payment would be made through a third party agency.

Mr. Hanoute commented that Mr. Byerly's request seemed to be about more than repair. Mr. Byerly said he had to have a dealer's license to work on guns whether he bought and sold them or not. He probably wouldn't sell more than ten guns a year. The majority of the business would be repair of guns owned by other individuals.

Mr. Hanoute noted that the application information personally prepared by Mr. Byerly didn't mention gun sales. Any motion should include language regarding site advertising constraints and shipment of purchased items rather than purchaser pick-up.

Mr. Milliken reminded the Planning Commission that gun repair was not specified as a Home Occupation in Ordinance Article 21.14. The Planning Commission should determine if it is a "similar" use (21.14.A. 9) or treat it as a Special Use (22.00).

Moved by Meisel, seconded by Butler, to approve the Home Occupation Permit for Glenn Byerly, 8191 Linden Road, RE parcel 19-200-008, to repair fire arms in his home conditional upon the applicant's agreement that there will be no on-site firing of fire arms that are not personally owned by the occupant; that all guns on the premises after business hours will be in locked storage as required by Federal Law, that the residence address will not be used or advertised as part of the business operation; that personal names and residential phone numbers may not be used or advertised as part of the business; that e-mail addresses and phone numbers may be included in connection with the business, that the applicant agrees to abide by Ordinance Article 21.14 particularly in regard to signs (21.14.B.), and agrees that the approval is conditional upon receiving a Federal Fire Arms License, as the request is similar to some of the Home Occupations listed in 21.14.A and is not specifically prohibited by the Ordinance (21.14.C).

Mr. Byerly said that the business phone numbers would be cell phone numbers, so they wouldn't be associated with an address. The repair business will be established as a limited liability company, under a business name which will be used for phone numbers and insurance policies. Mr. Hanoute reminded him that identification signs were not permitted for home occupations.

Voting for the motion: Butler, Kempisty, Radcliffe, Meisel. Abstention: Byerly. The motion carried by majority vote.

CALL TO THE PUBLIC:

Marshall Smith approached the Planning Commission and asked if he was too late for the Call to the Public. He plans to build houses in the Township, but the building plan he likes to use would meet the Township's requirements for total area, but doesn't meet the requirements for minimum first floor area.

The purchaser doesn't want the plan enlarged in order to keep costs down. Mr. Hanoute said the Planning Commission wasn't prepared to discuss building variances or ordinance amendments at this meeting. If Mr. Smith wanted a size variance so he could build the house, he should apply to the ZBA.

Mr. Van Hecke explained that Mr. Smith wanted the Planning Commission to consider a revision of the Township's 900 square foot first floor building standard. Mr. Hanoute said that request would require an Ordinance amendment and the Planning Commission doesn't have enough information to consider it tonight. He asked Mr. Smith to submit a Zoning Ordinance Amendment request if he wanted to revise the Ordinance. He explained that the request could be scheduled for review at a future meeting, but not at tonight's meeting. Mr. Smith left a copy of his plan for Planning Commission review in case they wanted to amend the Ordinance.

OLD BUSINESS:

- 1) Review of revised Zoning Ordinance Article 24.00 - Private Road, Private Shared Driveway and Access Easement Standards and recommendation to the Township Board

Planner Greg Milliken said that the modifications were primarily made to language regarding the length of the road and number of units. Page 24-5, G established a maximum private road length of 1200 feet with a single access point and allowed the Planning Commission and Board to extend the length as long as dry hydrants would be installed as recommended by the International Fire Code (IFC). The maximum number of units remained the same (24) as recommended by the Institute of Traffic Engineers (ITE).

The Ordinance was written to permit the Township Engineers and local fire authorities to determine the type and spacing of the dry hydrants. He also noted that the International Fire Code (IFC) standards for roads which were 1200 feet in length was a limit of 30 units per single access road.

During review the following revisions were requested:

(Page 24-2) Section 24.01.C. Revise to permit 1200 foot long shared driveways

(Page 24-5) 24.03.G. ¶2 Revise to replace "Fire Authority" jurisdiction with "fire department" jurisdiction.

(Page 24- 5) Section 24.03.G ¶3 Revise to allow the PC and Board to increase the maximum number of units on a 1200 foot road from 24 to 30 based on the condition of the road and the recommendation of Township's engineer and the **fire department Fire Authority** with jurisdiction,

(Page 24-8) Section 24.04. B.2 Was revised to allow existing non-conforming roads to be expanded beyond the minimum 30 parcel limit through addition of a second access.

Section 24.04. B.3 References "expansion" (number of units) and "extension" (increased length) of existing nonconforming roads.

(Page 24-13) Section 24.06. E Was revised to establish a load bearing width for private driveways as required by the International Fire Code (IFC). Section 24.06. G allows the same minimum length requirements as private roads, but retains the 4 parcel driveway limit. The last sentence of the section should be revised to reference "fire department" in place of Fire Authority.

Mr. Milliken noted that the language dealing with "length" and "width" had been placed in separate paragraphs in both the road and driveway sections to make the descriptions easier to understand.

Mr. Hanoute asked to have the existing road ordinance searched for language which would require that a private shared driveway has to be converted to a private road if the length exceeds 1,000 feet to insure that it has been amended to comply with the new recommendation (24.04.P).

Ms. Radcliffe was concerned about the criteria which would be used to limit the number of parcels permitted on new private roads. Should the Township apply the ITE 24 parcel limit or the IFC 30 parcel limit. Should the limit be based on location, available Township services, or the project design and land layout. Mr. Hanoute suggested reversing the language in Section 24.03.G., ¶ 3 (page 24- 5) by allowing 30 parcels as the maximum single access private road density and scaling the units back to 24 based on road or traffic conditions and any reviews and recommendations made by the township's engineer and the fire department with jurisdiction.

Moved by Meisel, seconded by Radcliffe, to recommend to the Township Board approval of revised Zoning Ordinance Article 24 - Private Road, Shared Private Driveway and Access Easement Standards as presented by Mr Milliken (2/19/08 rev) with the amendments to page 24-2 for '1200 feet' in place of '1000 feet'; to page 24-5 G. for 'fire department' in place of 'Fire Authority', referencing a 30 unit private road maximum unless conditions warrant a reduction on page 24-13, Paragraph G.3 in place of a 24 unit maximum; and replacement of "Fire Authority" with "fire department" in page 24-3 G. Ayes: Butler, Kempisty, Radcliffe, Meisel. Nays: Byerly. Motion carried by majority vote.

Mr. Byerly said he preferred maintaining 24 lots as the maximum allowed on a single access private road rather than 30. He felt 30 parcels could make the private road too congested.

Mr. Hanoute asked Mr. Milliken to prepare a cover letter.

2) Review of Zoning Ordinance Article 11 - Planned Unit Development

Mr. Milliken said the revisions to the document were based on discussion held at previous meetings. The types of PUDs would be based on the Future Land Use Map while the standards would be based on the zoning districts associated with the property. PUDs would not take the place of a rezoning request, for instance changing the zoning of a particular parcel from residential to commercial.

One of the changes would be to allow PUDs in any township zoning district (11.02.A) but to provide site selection standards to qualify the areas where PUDs would be most desirable.

Mr. Hanoute felt that most of the development in Tyrone Township would be small acreage uses, and a 20 acre minimum parcel requirement might limit development (page 11-2, 11.02.C). He was developing mixed use facilities in other areas on lots that are ten acres or less. They are small strip developments mixing residential and commercial uses. This approach would help attract small parcel commercial development along the expressway frontage. Most of the recent development in the area is small scale on ten acres or less.

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There won't be many regional type developments in Tyrone Township and because of the parcel sizes on the east side of US 23, we will probably get more requests for development on that side than the west side. PUD developments would provide a way to allow commercial development on the east side of the expressway.

Mr Meisel said that the east side is predominately rural. He thought we had talked about minimizing some of the PUD areas that could occur in established residential areas. That's why we decided on a minimum parcel of 20 acres so any mixed use PUDs would be on a reasonable scale and provide a reasonable benefit. Twenty acres would provide enough property to bridge residential and commercial uses. Section 11.02.C does allow smaller sites if there is a reasonable benefit. We have talked about rural character, but we have also said we don't want to have what has happened in Fenton Township. We don't want to have PUDs everywhere. If they are really worthwhile, they should be substantial.

Mr. Hanoute asked how much commercial development could possibly be put on a ten acre PUD. Mr. Meisel said that wasn't his concern. He was concerned about the people going around and picking up foreclosed property to assemble large areas of land in an established community, and then changing the entire character of the community by using the PUD process.

Mr. Milliken said that assuming the right soils, page 11-3, E. required that non-residential uses in a PUD should be connected to a public wastewater disposal system. The only exceptions are neighborhood based commercial uses which may use on-site wastewater treatment. If he wanted to develop a PUD in FR Section 22, ten percent of the area could be developed as commercial using the list on page 11-4, Item 4. If the developer wanted to add a corner bank to his development, he wouldn't have to run a sewer to the site and the bank could connect to a septic system.

Mr. Hanoute thought that would make it too easy for the developer. We want something more restrictive to protect residential areas from fragmented commercial development. Use some restrictive standards.

Mr. Meisel wanted to make it clear that the sewer districts were established around the lakes and the US 23 corridor, so the use has to serve a neighborhood, not a regional area. Mr. Meisel said the way the sewer district was established around the corridor and the lakes, allowing on site sewage treatment would still let you put a PUD anywhere. Mr. Hanoute thought there could be a note requiring hook ups when sewer was available.

Mr. Hanoute noted that the second line of Access, Item F should be corrected to (Primary Road able to **safely** serve...)

Mr. Milliken said the crux of the PUD development standards were found on page 11-3. Item G.1 restricts PUD uses to the use districts shown on the Zoning Map. Public Hearings will be required if any Special Uses associated with the permitted zoning use are included in the request.

Neighborhood scale commercial uses (page 11-4, Item 4) are limited to 10% of a PUD which is 20 acres or less in area. If the PUD is over 20 acres, the neighborhood scale uses

are limited to 7% of the area. Non residential buildings are also limited in size and frontage. This Section also lists suitable types of residential PUD uses. Mr. Hanoute reminded the Planning Commission that there would have to be a public hearing at the initial phase of PUD development.

Mr. Mesiel was still concerned that the PUD Ordinance would allow you to come into established single family detached residential neighborhoods and build duplexes, as an example, when nobody wants them. The public could come in and scream, but we would have to allow it under the terms of the Ordinance. There needs to be a mechanism to limit abatements for duplexes in clearly established single family detached residential districts, so we don't infringe on the established character of the neighborhood. Mr. Hanoute said the ordinance could limit development to single family or two family attached dwellings. There were areas in Grand Blanc where there were duplexes next to 5,000 square foot homes.

Mr. Meisel said, that was OK for Grand Blanc, but how do we save the character that people have told us they want to maintain in Tyrone Township. There are people moving to Grand Blanc who like that style of development, and there are people moving out of Grand Blanc because they don't. He's not opposed to duplexes, per se, but he is opposed to allowing someone to take over an established detached residential district and convert it to duplexes against the wishes of the residents who live there.

Ms. Radcliffe said that it boils down to what people are able to buy. Right now they aren't buying 4,000 square foot homes around here. Mr. Mesiel said that two meetings ago, a number of people came to the Board meeting and were vocal about things they have heard about developmental plans. A discussion ensued about how they can find out what is going on and how the Township arrived at its land use map. Some of them were vocal about the things they didn't want built next to them. They want the Township to remain rural, but how do we do that and pay the bills.

Mr. Miliiken suggested adding a paragraph to the PUD sections dealing with uses which would list the additional uses allowed in a residential PUD, and the additional uses allowed in a commercial PUD. The next thing would be to add a paragraph which lists the health, safety, and welfare issues that would have to be met for eligibility if you wanted to request uses not permitted by the underlying zoning. Mr. Meisel was still concerned about allowing a developer to come into the Township, aggregate land, and build a PUD. What about the people already living there who never intended to live next to an area of congregate housing. Mr. Hanoute commented that one way to do that would be to set limits on lot size and spacing within the development and between developments. Mr. Miliiken said that we could also require greater setbacks between residential uses and nonresidential uses or residential classes of use.

Mr. Meisel was still concerned about not relating uses to underlying zoning. Mr. Hanoute said that limitations and controls should be provided for each PUD district. PUD uses should be related to underlying zoning or future land use. Applications should be based on need, market viability, impact on surrounding areas, density revisions, and mix of uses. PUD developments would not require rezoning, but any special use would require a hearing.

PCS rezoning would be based on parcel zoning and the future land use designation for the property. For instance, a PCS district in Section 4 could be rezoned to OS, B1, B2 or other uses which would be similar to the underlying zoning or the future land use.

Mr. Hanoute commented that to create a viable commercial development in Section 4 would require 50 to 60 acres of commercial. You could mix residential and office with it, but the cost of the property and development costs would force a commercial use for a majority of the property. The Planning Commission would have to decide if the uses a developer might propose are consistent with the existing zoning, associated zoning, or future land uses. Mr. Milliken felt that the Future Land Use Map provided commercial opportunities, but there was still more of the area allotted to residential use than commercial. Frequently there were no plans for PCS type developments. The community asks the developer for a plan to consider, and if approved, the plan becomes the zoning. Mr. Meisel asked how we could develop criteria to provide what the developer wants, and at the same time, prohibit what the Township doesn't want.

Mr. Hanoute said we know that we need tax base, and it won't come from residential development. He asked anyone had visited the Partridge Creek Development south of M-59 in Utica. There isn't any residential development within the commercial district, but it is surrounded by residential. That is what we want to develop here. We have decided that we don't want to rezone. We want to go through one Public Hearing to make the public aware. Mrs. Radcliffe thought it would be helpful to have some sort of idea about the use of the property when a developer comes before the Township. Mr. Hanoute said we need to have parameters that would work all over the Township, not just for a specific site.

Mr. Milliken asked the members to forward their comments to him as soon as possible, so he could have something ready to bring back at the next meeting. Mr. Hanoute said there were seldom problems with professional developers like Taubman. The issue was the person who wanted to buy 10 acres and put up an auto plaza surrounded by some sort of residential.

- 3) Review of the Commercial uses to be included in the PCS Development district

Rescheduled for the March 11, 2008 meeting

OTHER BUSINESS FROM MEMBERS:

ZONING ADMINISTRATOR'S REPORT:

ZONING BOARD OF APPEALS REPORT:

BOARD ACTION:

FUTURE AGENDA ITEMS:

- 1) Discussion of PUD revisions

2) Review of PCS Revision

NEXT MEETINGS:

March 11, 2008 - Work Session and Public Hearing

March 15, 2008 - Joint Meeting

March 25, 2008 - Regular Meeting

ADJOURNMENT:


Laurie Radcliffe, Secretary
Tyrone Township Planning Commission


Barbara Burtch, Recording Secretary
Tyrone Township Planning Commission